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Fax: (740) 321-8024

Fax: (571) 273-8300

Phone: (740) 321-7168

SUBJECT: Response

Serial No.: U.S. Patent Application 10/712,904, filed November 13, 2003

I hereby certify that a Response is being transmitted to the Central Facsimile Number, at the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on March 17, 2006.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
DAVID J. BAKER ET AL.) Group Art Unit 1731
)
Serial No. 10/712,904) Examiner Mark Halpern
)
Filed: November 13, 2003)
)
For: EXHAUST POSTIONED AT THE)
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GLASS MELTING FURNACE) Attorney Docket 25090A

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Commissioner for Patents, P.O. Box 1450
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Attention: Board of Appeals and Interferences

REMARKS ACCOMPANYING REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Honorable Sir:

Pursuant to the procedure specified in the Notice published in the Official Gazette on July 12, 2005, review is requested for at least the following reasons. The final rejection contains at least the clear error in that the claimed limitations are clearly not met by the cited references.

The final rejection also contains at least the clear error that the Examiner failed to consider the claims 27-33 and Applicants' remarks submitted in the April 21, 2005 Amendment.

The final rejection also contains at least the further clear error in that the Amendment filed January 26, 2006, should have been entered and considered since the amended independent claims 1, 27, 29 and 31 (as submitted with the January 26, 2006, Amendment) do not present new embodiments not previously considered, nor do the dependent claims present new embodiments which would require further consideration or search.

The final rejection also contains at least the further clear error in that the Request for Reconsideration placed the application in condition for allowance. Applicants' arguments